

City of Verona
Minutes
Plan Commission
September 6, 2016
Verona City Hall

1. Jack Linder called the meeting to order at 6:30 p.m.
2. **Roll Call:** Jon Turke, Jack Linder, Jeff Horsfall, and Steve Heinzen. Patrick Lytle , Scott Manley, and Jon Hochkammer were absent and excused. Also present: Adam Sayre, Director of Planning and Development ; Jeff Montpas, City Engineer; Jeff Mikorski, City Administrator; Holly Licht, Deputy Clerk.
3. **Minutes:** Motion by Horsfall, seconded by Turke, to approve the minutes from the August 1, 2016 Plan Commission Meeting. Motion carried 4-0.
4. **Public Hearing: Conditional use permit for a proposed Indoor Commercial Entertainment land use, known as Fisher King Winery, to be located at 1105 Laser Street.**

Motion by Horsfall, seconded by Turke, to open the public hearing at 6:32 p.m. motion carried 4-0.

There were no comments from the public.

Motion by Turke, seconded by Heinzen to close the public hearing at 6:33 p.m. Motion carried 4-0.

- a. **Conditional use permit for a proposed Indoor Commercial Entertainment land use, known as Fisher King Winery, to be located at 1105 Laser Street.**

The applicant is proposing to occupy 5,300 square feet in a 7,000 square foot building on Lot 26 in Liberty Business Park. The original building was approved by the Plan Commission in May of 2016. The applicant is proposing façade changes and also an outdoor patio. The applicant has proposed 59 parking spots; the ordinance requires 67 parking spots. Because this building will share parking with Sugar River Pizza, staff has no concerns about the total number of parking spaces.

Motion by Turke, seconded by Heinzen, to recommend that the Common Council approve a conditional use permit for a proposed indoor Commercial Entertainment land use, known as Fisher King Winery, to be located at 1105 with the following conditions:

1. The outdoor patio fencing shall be a minimum of 48" tall.
2. Alcohol consumption shall be limited to the fenced area as shown on the site plan or inside the winery. All areas where alcohol is consumed shall be monitored by staff.
3. The fence and gate for the outdoor patio shall comply with the requirements from the Police Department and Building Inspector.
4. The exit for the patio shall be labeled as an "exit only".
5. The use of the outdoor seating area is permitted to operate from 7:00 a.m. to 10:00 p.m. seven (7) days a week.

6. The applicant shall obtain all necessary alcohol licenses and operate in conformance to the requirements of the licenses.

Motion carried 4-0.

b. Site plan review for façade changes to the future building to be located at 1105 Laser Street.

The applicant is proposing façade changes to the building that was originally approved by the Plan Commission. The proposed changes include reducing the amount of stone on the building and modifying the overhead door and the color of the building. Staff does not support the proposed changes.

Mr. Sayre added that he is concerned about the long-term challenges that tenant B of the building will face because this space does not have direct access to the parking lot.

Jerry Bourquin, the architect of the project, spoke saying that the color was not changed. He explained that the stone was being reduced because the owner liked the stucco more than the stone. He also explained the changes of the door were due to the wine making process, but the applicant will be willing to work with City staff to finalize the door.

Mr. Turke asked how the stone compared to other buildings that the City has approved. Mr. Sayre said that the City does not have a stone requirement. Mr. Sayre said that since it was such a significant reduction in the height of the stone, he cannot support it. Mr. Linder added that he is also in favor of the original building with more stone.

Motion by Horsfall, seconded by Heinzen, to deny the site plan review for the façade changes to the future building to be located at 1105 Laser Street. Motion carried 4-0.

Mr. Sayre added that the doorway changes would be approved administratively and that there would be no need to bring back the façade changes to the Plan Commission.

5. Public Hearing : Conditional use permit for a proposed Indoor Commercial Entertainment land use, known as E3 Coaching Madison, to be located at 1155 Clarity Street.

Motion by Horsfall, seconded by Turke, to open the public hearing at 6:47 p.m. Motion carried 4-0.

There were no comments from the public

Motion by Turke, seconded by Heinzen, to close the public hearing at 6:47 p.m. Motion carried 4-0.

a. Conditional use permit for a proposed Indoor Commercial Entertainment land use, known as E3 Coaching Madison, to be located at 1155 Clarity Street.

The applicant is proposing an indoor cycling and training facility in the second flex-building constructed in Liberty Park. Staff has no concerns about the hours of operation, 5:30 a.m.-6:00 p.m. on weekdays and 7:00 a.m.-10:30 a.m. on Saturdays. Staff has no concerns about parking at the facility.

Mr. Horsfall asked how the building would be set up for people biking to the facility. The extension of Liberty Drive will include a bike path along Whalen. Mr. Horsfall asked if it would be a bike lane or a path. Mr. Sayre said there is an existing bike lane that will be extended.

Motion by Turke, seconded by Heinzen, to recommend that the Common Council approve a conditional use permit for a proposed Indoor Commercial Entertainment land use, known as E3 Coaching Madison, to be located at 1155 Clarity Street. Motion carried 4-0.

6. **Public Hearing : Precise Implementation Plan (PIP) for a planned unit development located at 142 Paoli Street that would allow for the construction of a mixed-use building containing 29-apartment units and approximately 3,005 square feet of commercial space.**

Motion by Horsfall, seconded by Turke, to open the public hearing at 6:54 p.m. Motion carried 4-0.

Tim Hagen, 143 Paoli Street, spoke commending the developer with all their work with the community. He believes that the high density of the building should be addressed one more time and there should be a compromise.

Motion by Heinzen, seconded by Horsfall , to close the public hearing at 6:55 p.m. Motion carried 4-0.

a. **Precise Implementation Plan (PIP) for a planned unit development located at 142 Paoli Street that would allow for the construction of a mixed-use building containing 29-apartment units and approximately 3,005 square feet of commercial space.**

The General Development Plan (GDP) for this project was approved by the City in June of 2016. The PIP is the final step before the applicant can start applying for building permits. The proposed project will contain 29 apartment units. The applicant is requesting a setback exemption: 25 feet rear yard setback along the east property line is required; the applicant is requesting 20 feet. The building will be 4 stories when viewed from the bike trail; when viewed from Paoli St., it will be 3 stories. The applicant is proposing 70 parking stalls, 35 spaces will be surface parking, and 35 will be underground. There are two 2 access points from Nine Mound Road. The applicant will extend the sidewalk from Paoli St. the bike trail. The applicant is proposing two stormwater ponds. Staff recommends that the applicant eliminate the storm water pond between the building and the bike trail as this pond has the potential to create long-term maintenance issues. The applicant is requesting to use existing landscaping on the site to preserve trees on existing land and to meeting the landscaping requirement. Staff is comfortable with the landscaping plan. Mr. Sayre added that the commercial hours of operation in the building would be limited to 6:00 a.m.-10:00 p.m.

Mr. Linder asked what the materials were for the facade. Kyle Dumbleton, the architect, said it was a composite siding and composite paneling.

Mr. Heinzen asked if the Plan Commission could now limit the number of apartments planned. Mr. Sayre said that the Plan Commission and the Common Council already granted the applicant the density exemption in the GDP.

Mr. Horsfall asked what the density was of the project was. Mr. Sayre responded that it is 18.55 units per acre. He added that the Siena Ridge apartments are 18.36 units per acre. Mr. Horsfall asked if the City had a maximum height requirement. Mr. Sayre said it was 35 feet and the applicant is at 35 feet. Mr. Sayre added that the elevation of the site is not even. The 35 foot maximum height is the median of the entire building.

Mr. Linder asked how the smaller stormwater pond would be moved. Mr. Montpas said he would have to take a detailed look at it. He added that they would be able to redirect the water from the roof and the patio towards the front basin.

Motion by Tuke, seconded by seconded by Heinzen, to recommend that the Common Council approved the PIP for a planned unit development located at 142 Paoli Street that would allow for the construction of a mixed-use building containing 29-apartment units and approximately 3,005 square feet of commercial space with the following conditions:

1. Prior to the issuance of building permits, the Director of Planning and Development shall approve a revised landscaping plan.
2. Prior to the issuance of building permits, the City Engineer shall review and approve the stormwater management plan.

Motion carried 3-1 with Mr. Horsfall voting “no”.

7. **Public Hearing: General Development Plan (GDP) for a Planned Unit Development (PUD) located south of West Verona Avenue, west of West End Circle, east of Wall Street, and north of the West End Apartments that would allow for the construction of a 32-unit apartment building, 8-townhouses, and approximately 13,800 square feet of commercial space.**

Motion by Horsfall, seconded by Turke, to open the public hearing at 7:15 p.m. Motion carried 4-0.

There were no comments from the public.

Motion by Turke, seconded by Heinzen to close the public hearing at 7:16 p.m. Motion carried 4-0.

- a. **General Development Plan (GDP) for a Planned Unit Development (PUD) located south of West Verona Avenue, west of West End Circle, east of Wall Street, and north of the West End Apartments that would allow for the construction of a 32-unit apartment building, 8-townhouses, and approximately 13,800 square feet of commercial space.**

Mr. Sayre explained that the applicant is requesting a GDP to construct a 32-unit apartment building, 8 townhouses, and 13,800 square feet of commercial space. A previous GDP was approved in 2007 and amended in 2011. The Plan Commission discussed this project in July and had concerns about the multi-family units and parking issues. The applicant is requesting zero-lot line buildings for the development. This is consistent with the existing 3 apartment buildings in the West End; staff has no concerns about the zero-lot line. The applicant is proposing 26 underground parking spaces for the 32 unit building. Staff recommends that each unit have one underground parking space per unit. Staff recommends that the applicant enter in to a shared parking agreement with the existing properties to the south of the site. The applicant is proposing 4 access points to the site. Two access points to Wall Street already exist. The applicant is proposing a median cut on West End Circle to provide full access. Staff recommends that the applicant change the northernmost access point from West End Circle to be right-in only. A complete phasing timeline for the project have not yet been submitted, but the part of the commercial space will be constructed first. The applicant is requesting exemptions for the lot lines, density, parking, and landscaping.

Mr. Linder asked why the applicant is requesting a landscaping exception. Mr. Sayre said the City has a minimum green space requirement, but since they are requesting a zero-lot line,

there is not enough green space. Mr. Linder asked if these units would be exempt from the multi-family units allocated per year. Mr. Sayre explained that they could be exempt because it is a mixed-use project.

Mr. Linder asked if there were any renderings of the backside of the townhouse. Dan Sealy, there is no rendering of the back side of the townhouses. Mr. Linder asked why there were more garages facing the retail side. Mr. Sealy said they are planning to have some green space in between the retail and the garages. Mr. Linder asked why they changed the location of the apartments and the townhouses. Mr. Sealy said the shift made shared parking more logical. He added that have the denser apartment building closer to the busier street.

Mr. Linder asked if the street was wide enough to park on the street. The engineer for the project said that the width of the street is currently 24 feet. Mr. Sealy added that the street is currently private and there is no plan to change it.

Mr. Linder asked Mr. Sealy how the phasing of the project would work. Mr. Sealy said that they are committed to the retail and the multi-family. He added that they would be willing to work with City staff to work out a phasing timeline.

Mr. Heinzen asked if the only way to exit the site would be to use the private drive. Mr. Sealy said they plan to construct a left-out access point onto Wall Street. He added that they could also exit to the south. Mr. Sayre added they are continuing to work on the access points. Mr. Montpas added that West End Circle and West Verona Avenue will eventually have a traffic signal.

Mr. Horsfall asked why the north and south properties didn't line up. Mr. Sealy said it may be able to be shifted. He added that they would have to take a look at whether the townhouses could be shifted to the west.

Mr. Horsfall said he believe there should be another City street will City standards instead of the private drive. He believes it is necessary for parking and heavy traffic. Mr. Sayre said if it did become a City street it would have to be 66 feet wide. Mr. Sayre added that there will be further discussion with the applicant about parking. Mr. Linder added that the private road is too narrow for parking and two-way traffic.

Mr. Horsfall added that he likes the commercial aspect of the project, but not the residential. He added that we have allowed apartments to go in numerous times, and the retail has never been constructed.

Mr. Heinzen asked how many units were already on the south side of the site. Mr. Sealy said there are 106 units already on the site.

Mr. Horsfall asked how the traffic study is incorporating the school's plans. Mr. Sealy said at this time they didn't do any modeling considering the future school or other sites that are yet to be developed. Mr. Linder said that the school should be considered and the City should not be short-sighted. Mr. Sayre added that the school still has to go through a referendum process and the City should not limit current developments based on possible future developments.

Mr. Heinzen added that the property has been sitting empty for a long time. He is not concerned about the residential and believes that the commercial will do well with the existing 3 apartment buildings. He doesn't believe that the City should hold up this project

based on what the school is going to do. Mr. Turke agreed that the City should not delay the project based on the possible future school.

Mr. Linder asked about the previously approved GDP for the existing 3 apartment buildings. Mr. Sayre said that the original GDP had more multi-family units planned than the 106 units that exist.

Motion by Heinzen, seconded by Turke, to recommend that the Common Council approve a General Development Plan (GDP) for a Planned Unit Development (PUD) located south of West Verona Avenue, west of West End Circle, east of Wall Street, and north of the West End Apartments that would allow for the construction of a 32-unit apartment building, 8-townhouses, and approximately 13,800 square feet of commercial space with the following conditions:

1. The apartment building shall provide one (1) underground parking space per unit.
2. A construction phasing plan for the development shall be approved as part of the precise implementation plan.

Motion carried 3-1 with Mr. Horsfall voting "no".

Shane Frey, Steve Brown Apartments, it would make more sense to have most of the living space in the front of the building so that is why the townhouses have been shifted. Mr. Seeley asked if the orientation of the townhouses could be approved at the PIP level. Mr. Sayre said it could be discussed the Plan Commission could make a condition.

Motion by Heinzen, seconded by Turke, to amend the motion to include the following conditions:

1. The applicant shall further review and explore the orientation of the townhouses.
2. The applicant shall further study the traffic analysis related to this development.

Motion carried 3-1 with Mr. Horsfall voting "no".

8. Site plan review for a proposed patio and façade changes to Monk's Bar and Grill to be located at 1050 North Edge Trail.

The applicant is proposing façade changes and an outdoor patio at to be located in the northwest corner of the site. The proposed patio would be set back 70 feet from the right away. The applicant will change the siding to match the Monks brand. Staff has no concerns about the proposed façade changes.

Mr. Heinzen asked if there was an existing monument sign. Mr. Sayre there is an existing monument sign but the applicant plans a new monument sign along Main Street.

Motion by Horsfall, seconded by Turke, to waive initial review and approve the site plan review for a proposed patio and façade changes to Monk's Bar and Grill to be located at 1050 North Edge Trail with the following conditions:

1. The use of the outdoor seating area is permitting to operate from 7:00 a.m. to 10:00 p.m. seven days per week.
2. Outdoor seating area fencing shall be a minimum of 48" tall.

3. The outdoor patio fencing material shall be approved by the Director of Planning and Development.
4. The exit for the outdoor seating area shall be labeled as “exit only”.
5. The fence and gate for the outdoor seating area shall comply with the requirements from the Police Department and the Building Inspector.

Motion carried 4-0.

9. **Zoning Text Amendment to amend Section 13-1-89(j) relating to commercial animal boarding.**

Mr. Sayre explained that the proposed amendment has not changed since the August Plan Commission meeting. Comments from the Plan Commission included concerns included noise from the dogs. Staff contacted neighboring municipalities with dog daycare facilities that had outdoor play areas. Of the municipalities that responded to the City’s request, no municipality has received complaints. The proposed ordinance is consistent with adjacent municipalities and staff has no concerns.

Mr. Heinzen asked if there were any existing hotels located within 300 feet of these kinds of facilities. Mr. Sayre said that the Fairfield on W. Verona Ave. is within 300 feet of a potential animal boarding facility. Mr. Linder added that the hours of operation starting at 7:00 a.m. would be too early, especially for people staying in hotels.

Mr. Linder asked if the ordinance had a fence requirement. Mr. Sayre it did not require a fence. Mr. Sayre said you could regulate the kind of fence by putting a condition on each individual situation.

Motion by Horsfall, seconded by Turke, to recommend that the Common Council approve a Zoning Text Amendment to amend Section 13-1-89(j) relating to commercial animal boarding. Motion carried 4-0.

10. **Reports and comments from the Planning Department**

The November Plan Commission meeting will not be on the first Monday of November because of the 2016 General Election. Mr. Sayre will send out a date when it is finalized.

11. **Reports and comments from the Plan Commissioners**

12. Motion by Horsfall, seconded by Turke to adjourn at 8:34 p.m. Motion carried 4-0.

Holly Licht
Deputy Clerk